IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Crl.Rev.Pet.No. 616 of 2000

CRL.A.296/1998 OF SESSIONS COURT, THRISSUR,
CC.146/1996 OF JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR.

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REVISION PETITIONER/APPELLANTS/ACCUSED:

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1. **SASI, S/O. THEKETHARA VASU,**
   NADATHARA VILLAGE,
   ERAVIMANGALAM DESOM,
   THRISSUR TALUK, THRISSUR DISTRICT.

2. **BAGYANATHAN, S/O. THEKETHARA VASU,**
   NADATHARA VILLAGE, ERAVIMANGALAM DESOM,
   THRISSUR TALUK, THRISSUR DISTRICT.

3. **BIJU, S/O. THEKETHARA SASI,**
   NADATHARA VILLAGE, ERAVIMANGALAM DESOM,
   THRISSUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU,
SMT.MINI JOHN PAREMALIL.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3436/2000 IN CRL.R.P. NO. 616/2000

DISMISSED

10/09/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.616 of 2000

Dated this the 10th day of September, 2007

O R D E R

The revision petitioners are the accused 3 in number in C.C.No. 146/96 in the file of Judicial First Class Magistrate Court-III, Thrissur with respect to the offences under Sections 447 and 324 read with Section 34 IPC and stands convicted and sentenced, as modified by the appellate court, to pay fine of Rs.5,000/- each with respect to the offence under Section 324 IPC and in default, to undergo simple imprisonment for three months each and out of the fine amount, if realised, Rs.10,000/- is to be paid to PW1.

2. The prosecution case is that on 3.9.1996 the accused, A1 to A3, on account of previous enmity trespassed into the house of PW1 with deadly weapons like iron chain, granite piece and a block of tile and assaulted PW1 that resulted in injuries.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 7, Exts. P1 to P4 and Mos' I to III.

4. The testimony of PW1 as to the incident is supported

by the testimony of PW2, a lady, who resides in the adjacent house. Immediately after the incident PW1 was taken to the hospital which is evident from Ext. P4 wound certificate. FIS was recorded from the at the hospital bed. I find that no contradiction or omission has been brought out in the evidence of PW1 with respect to the FIS or with the previous statement to the police. PW2 has also supported the version of PW1. It is pointed out by the counsel for the revision petitioners that the wife of PW1 who is mentioned in the FIS is the person who witnessed the incident has not been examined and that the name of PW2 has not been mentioned in Ext. P1. I find that the above is not a serious infirmity that render suspicious the prosecution version. PW6 has proved Ext. P4 wound certificate wherein three lacerated injuries and one abrasion are noted. In the circumstances, I find nothing to interfere in the concurrent findings of the court below.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl